

FMLA

Notice of Employee Rights & Obligations



Employee Name:

Employee ID:

Department/Division:

Date Given/Sent:

- Eligible employees may take up to 17 weeks of leave (paid and unpaid combined) within a calendar year under the following circumstances and conditions:
 - For the birth and care of a newborn child or placement of a child with the employee for adoption or foster care*;
 - To care for a child, spouse or parent with a serious health condition; or
 - For the employee's own serious health condition.
- Employees working for the employer for at least 12 months and who have worked at least 1,250 hours (average of 24 hours a week) during the 12-month period immediately preceding the leave are considered eligible.
- Employers must post a notice describing the provisions of the Act and must furnish additional information upon request for leave. This notice will serve to meet the latter requirement.
- Employees are required to provide the employer with at least 30 days advance notice when the need for leave is foreseeable, or within 2 days of becoming aware of the need for leave when the leave is unforeseen. **Failure to provide the required notice may result in denial of leave under the FMLA.**
- The employee may be required to provide medical certification from a health care provider **for any absence of more than 3 calendar days** to support requests for Family and Medical Leave. This form may be required if the leave is taken to care for a family member with a serious health condition or for the employee's own serious health condition. The Certification of Health Care Provider form is available in Human Resources. (A copy is attached to this memo.) **Failure to provide the required certification may result in denial of leave under the FMLA.** The employee may be required to provide periodic status updates to his/her supervisor.
- The employer must maintain the employee's coverage under any group health plan on the same conditions as if the employee was continuously employed. An employee who chooses not to retain coverage during FMLA leave is entitled to be reinstated on the same terms as prior to taking leave. **An employee on FMLA leave is responsible for payment of his/her share of group benefit coverage costs. The employee must contact Benefits in the Human Resources Department (350-2975) to arrange a payment schedule.** Any costs incurred by the employer are recoverable from the employee in the event the employee does not return from leave, except for reasons beyond the employee's control.

* Absent unusual circumstances, the birth or placement of the child will initiate the start of the 17-week leave period. Entitlement to take leave for the birth or placement of a child expires at the end of 12 months following the birth or placement.

- Employees must be restored to a position with equivalent pay and benefits upon return to work.
- FMLA leave may be taken intermittently or on a reduced schedule (reduced hour per day or reduced workweek) with the agreement of the employer **when medically necessary** for the serious health condition of the employee or family member. Intermittent or reduced schedule leave is subtracted from the total 17-week leave entitlement. Employees are expected to make every effort to schedule intermittent leave in advance with consideration for the legitimate business interests of the City. **An employee using intermittent leave may be temporarily transferred to an available position for which he/she qualifies and which better accommodates recurring periods of leave.** The alternative position must have equal pay and benefits, but **not** necessarily equal duties.
- A husband and wife employed by the City are entitled to a **combined total of 17 weeks** of leave if the leave is taken for the birth or adoption of a child or to care for a sick parent.
- Employees will be required to use paid leave prior to unpaid/general Family and Medical Leave. Paid leave taken will be deducted from the total FMLA entitlement. Paid medical and vacation leave will be used for the birth and care of a newborn child or placement of a child for adoption or foster care. Both male and female employees may use paid medical leave for the birth or adoption of a child.

Paid medical and vacation leave will be used for the employee's own serious health condition. Only vacation leave will be used to care for a family member with a serious health condition.

Employees cannot be required to substitute accrued compensatory time for unpaid FMLA leave. However, employees may voluntarily elect to use their accrued compensatory time for reasons that would qualify for FMLA leave. An employee's use of compensatory time cannot be counted against their FMLA entitlement.

- Certain qualifying terms and conditions define a "serious health condition" under the Family and Medical Leave Act. These are clearly defined in the City of Tempe's Family and Medical Leave Act policy which is included in the City of Tempe Personnel Rules and Regulations, and is also available in Human Resources.

Essentially, a serious health condition is defined as:

- 1) Any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital, hospice or residential treatment facility.
 - 2) Any period of incapacity requiring absence from work for more than three calendar days. This also involves continuing treatment by or under the supervision of a health care provider.
 - 3) Continuing treatment by or under the supervision of a health care provider for a chronic or long-term condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than 3 calendar days.
 - 4) Prenatal care.
- A fitness for duty release may be requested before the employee's return to work.
 - An employee is considered to have returned to work from FMLA leave after working for 30 calendar days.

Should you need more information, please contact Susan Cole at ext. 8277.